

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES MCCONNELL,

Defendant.

CR-15-38-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 2, 2018. (Doc. 49.) Neither party filed objections. Accordingly, the Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 31, 2018. (Doc. 49.) The United States accused Defendant James McConnell ("McConnell") of violating his conditions of supervised release by 1) possessing a control substance on February 20, 2018, 2) using a controlled substance on February 20, 2018, 3) possessing a controlled substance on June 20, 2018, 4) using a controlled substance on June 20, 2018, 5) committing another crime, 6) possessing a controlled

substance on June 27, 2018, 7) using a controlled substance on June 27, 2018, and 8) failing to participate in substance abuse treatment. (Doc. 49 at 1.) McConnell admitted to the violations 1-4 and 6-8. *Id.* McConnell neither admitted nor denied violation 5. (Doc. 49 at 2.) The violations prove serious and warrant revocation of McConnell's supervised release.

Judge Johnston recommended that the Court revoke McConnell's supervised release and commit McConnell to the custody of the Bureau of Prisons for seven months followed by forty-six months supervised release. (Doc. 49 at 7.) Judge Johnston further recommended that McConnell, if eligible, spends the first sixty days of his supervised release in an inpatient substance abuse treatment facility. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. McConnell's violations represent a serious breach of the Court's trust. A custodial sentence of seven months followed by forty-six months supervised release with the first sixty days of McConnell's release spent in an inpatient substance abuse treatment facility if McConnell is eligible, is a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 49) is ADOPTED IN FULL.

IT IS FURTHERED ORDERED that Defendant James McConnell is sentenced to custody for seven months followed by forty-six months supervised

release with the first sixty days of release spent in an inpatient substance abuse treatment facility if McConnell is eligible.

DATED this 29th day of August, 2018.



Brian Morris
United States District Court Judge